

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MARY LEPAGE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 4:06CV1827 HEA
	)	
AMERICAN RECOVERY	)	
SYSTEMS, INC.,	)	
	)	
Defendant,	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Defendant's Motion to Set Aside Default Judgment, [Doc. No. 11]. Plaintiff objects to the motion. For the reasons set forth below, the Motion is granted and this matter is reinstated.

The Court has considered the documentation submitted by Defendant and its memorandum in support of setting aside the default judgment entered by this Court on May 17, 2007. After such consideration, the Court has determined that Defendant has presented sufficient evidence to establish that the original failure to respond to the Complaint was unintentional and the result of excusable neglect. As clearly set forth in the pleadings, Defendant was not dilatory.

The interests of justice are best served by setting aside the default judgment. Based on the well grounded philosophy that default judgments are not favored and

that decisions on the merits are the framework of our legal system, the Motion to Set Aside the Default Judgment is well taken under the circumstances of this case.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion to Set Aside Default Judgment, [Doc. No. 11], is granted.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall reopen this forthwith.

**IT IS FURTHER ORDERED** that Defendant shall file its responsive pleading in this matter **within 14 days** from the date of this Memorandum and Order.

Dated this 20th day of June, 2007.

A handwritten signature in cursive script, reading "Henry Edward Autrey", written in black ink.

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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE